

**U.S. Department of the Interior
Bureau of Land Management**

**Categorical Exclusion: Cherry Creek Guzzler
Fence**

DOI-BLM-NV-L020-2015-0020-CX

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PREPARING OFFICE

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Cherry Creek Guzzler Fence

A. Background:

NEPA Number: DOI-BLM-NV-L020-2015-0020-CX

BLM Office: Schell Field Office LLNVL02000

Lease/Serial/Case File No.:

Proposed Action Title/Type: Cherry Creek Guzzler Fence

Location of Proposed Action: Mt. Diablo Meridian: T. 23N., R. 64E., Sections 15.

Description of Proposed Action: Construction of a 70'X70' pipe rail fence around the Cherry Creek Guzzler to prevent horses from utilizing the water source and drinking it dry. The guzzler was constructed in 1988 to provide water for pronghorn antelope. It is also known as the Cherry Steptoe Guzzler.

B. Land Use Plan Conformance:

Land Use Plan (LUP) Name: Ely District Record of Decision and Approved Resource Management Plan

Date Approved/Amended: August 20, 2008

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP Goals and Objectives for Fish and Wildlife, Page 34: Goals — Provide habitat for wildlife (i.e. forage, water, cover, and space) and fisheries that is of sufficient quality and quantity to support productive and diverse wildlife and fish populations, in a manner consistent with the principles of multi-use management, and to sustain the ecological, economic, and social values necessary for all species. Also, Page 34: Objective — To use wildlife water developments, both natural and artificial, to improve the condition of wildlife habitat, and to use artificial water developments to mitigate impacts to wildlife species from loss of natural water sources or loss of habitat.

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM, 11.9, J-9: Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2, Appendix 2, apply.

Table 1. SCREENING FOR EXCEPTIONS TO CATEGORICAL EXCLUSIONS

An EA or EIS must be prepared if any of these extraordinary circumstances apply to the proposed action. Check the appropriate box. Would the proposed action:	Yes	No
1. Have significant impacts on public health or safety?		X

2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas?		X
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?		X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		X
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?		X
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?		X
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office?		X
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?		X
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?		X
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		X
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?		X
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?		X

I considered the proposed action and reviewed the 12 exceptions listed above. This action qualifies as a categorical exclusion and environmental analysis is not required. The proposed action is in conformance with current BLM Land Use Plans.

D. Approval and Contact Information

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Schell Field Office

Date

Contact Person

For additional information concerning this CX review, contact:

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